

By: Senator(s) Furniss

To: Finance

SENATE BILL NO. 2681

1 AN ACT TO AMEND SECTION 25-13-13, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE DEATH BENEFIT UNDER THE HIGHWAY SAFETY PATROL
3 RETIREMENT SYSTEM FOR THE SPOUSE OF ANY HIGHWAY PATROLMAN WHO HAS
4 RETIRED FOR SERVICE OR DISABILITY TO SEVENTY PERCENT OF THE
5 MEMBERS RETIREMENT BENEFIT; TO INCREASE THE DEATH BENEFIT FOR THE
6 SPOUSE OF ANY HIGHWAY PATROLMAN WHO HAS BEEN KILLED IN THE LINE OF
7 DUTY TO SEVENTY PERCENT OF THE COMPENSATION OF THE DECEASED
8 HIGHWAY PATROLMAN; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 SECTION 1. Section 25-13-13, Mississippi Code of 1972, is
11 amended as follows:

12 25-13-13. (1) Upon the death of any highway patrolman who
13 has retired for service or disability and who has not elected any
14 other option under Section 25-13-16, the patrolman's surviving
15 spouse shall receive seventy percent (70%) the benefit which the
16 patrolman was receiving. In addition to the benefit for the
17 spouse, there shall be paid twenty-five percent (25%) of such
18 benefit for the support and maintenance of one (1) child or thirty
19 percent (30%) of the benefits * * * for the support and
20 maintenance of two (2) or more children; if there is no surviving
21 spouse, there shall be paid an amount equal to twenty-five percent
22 (25%) of the benefit for the support and maintenance of one (1)
23 child or in the amount of fifty percent (50%) of the benefit for
24 two (2) or more children. Upon * * * attaining the age of
25 nineteen (19) years, a child shall no longer be eligible for such
26 benefit, and when all of the children have attained their
27 nineteenth birthday, only the spouse shall be eligible for seventy
28 percent (70%) of the amount of the benefit. The spouse shall
29 continue to be eligible for such benefit in the amount of seventy
30 percent (70%) of the retirement benefit so long as the spouse may



31 live and until the spouse remarries. In the event of remarriage
32 of the spouse at any time, the spouse's eligibility for the
33 seventy percent (70%) benefits shall cease and terminate, but the
34 spouse will be eligible to continue to receive benefits for their
35 children until the last child attains his or her nineteenth
36 birthday in the manner aforesaid.

37 (2) Upon the death of any highway patrolman who has served
38 the minimum retirement period required for eligibility for such
39 retirement program, his spouse and family shall receive all the
40 benefits payable to the highway patrolman's beneficiaries as if he
41 had retired at the time of his death. Such benefits cease as to
42 the spouse upon remarriage but continue to be payable to each
43 child until he reaches the age of nineteen (19) years. Such
44 benefits are payable on a monthly basis.

45 (3) The spouse and/or the dependent children of an active
46 member who is killed in the line of performance of duty or dies as
47 a direct result of an accident occurring in the line of
48 performance of duty shall qualify, on approval of the board, for a
49 retirement allowance on the first of the month following the date
50 of death, but not before receipt of application by the board. The
51 spouse shall receive a retirement allowance equal to seventy
52 percent (70%) of the average compensation of the deceased highway
53 patrolman. In addition to the retirement allowance for the
54 spouse, a retirement allowance shall be paid in the amount of
55 twenty-five percent (25%) of the average compensation for the
56 support and maintenance of one (1) child or in the amount of
57 thirty percent (30%) of the average compensation for the support
58 and maintenance of two (2) or more children; however, if there is
59 no surviving spouse, a retirement allowance shall be paid in the
60 amount of twenty-five percent (25%) of the average compensation
61 for the support and maintenance of one (1) child or in the amount
62 of fifty percent (50%) of the average compensation for the support
63 and maintenance of two (2) or more children. Such benefits shall



64 cease to be paid for the support and maintenance of each child
65 upon such child attaining the age of nineteen (19) years; however,
66 the spouse shall continue to be eligible for the aforesaid
67 retirement allowance. Benefits may be paid to a surviving parent
68 or lawful custodian of such children for the use and benefit of
69 the children without the necessity of appointment as guardian.
70 Such retirement allowance shall cease to the spouse upon
71 remarriage but continue to be payable for each dependent child
72 until the age of nineteen (19) years.

73 (4) All benefits accruing to any child under the provisions
74 of this chapter shall be paid to the parent custodian of the
75 children or the legal guardian.

76 (5) Children receiving the benefits provided herein, who are
77 permanently or totally disabled, shall continue to receive such
78 benefits for as long as the medical board or other designated
79 governmental agency certifies that such disability continues. The
80 age limitation for benefits payable to a child under any provision
81 of this section shall be extended beyond age nineteen (19), but in
82 no event beyond the attainment of age twenty-three (23), as long
83 as the child is a student regularly pursuing a full-time course of
84 resident study or training in an accredited high school, trade
85 school, technical or vocational institute, junior or community
86 college, college, university or comparable recognized educational
87 institution duly licensed by a state. A student child whose
88 birthday falls during the school year (September 1 through June
89 30) is considered not to reach age twenty-three (23) until the
90 July 1 following the actual twenty-third birthday. A full-time
91 course of resident study or training means a day or evening
92 noncorrespondence course that includes school attendance at the
93 rate of at least thirty-six (36) weeks per academic year or other
94 applicable period with a subject load sufficient, if successfully
95 completed, to attain the educational or training objective within
96 the period generally accepted as minimum for completion, by a



97 full-time day student, of the academic or training program
98 concerned.

99 (6) If all the annuities provided for in this section
100 payable on the account of the death of a member terminate before
101 there has been paid an aggregate amount equal to the member's
102 accumulated contributions standing to the member's credit in the
103 annuity savings account at the time of the member's death, the
104 difference between the accumulated contributions and the aggregate
105 amount of annuity payments shall be paid to such person as the
106 member has nominated by written designation duly executed and
107 filed with the board of trustees in the Office of the Public
108 Employees' Retirement System. If there is no designated
109 beneficiary surviving at termination of benefits, the difference
110 shall be payable pursuant to Section 25-13-21.1(1).

111 (7) All benefits paid to a spouse or child due to the death
112 of a member before or after retirement shall be paid in accordance
113 with the statutory provisions set forth as of the date of death.

114 **SECTION 2.** This act shall take effect and be in force from
115 and after July 1, 2002.

